



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,426	01/23/2004	Shelly Lenna Bauerly	Bauerly 00100	6800

7590 01/03/2006

LENNA BAUERLY
1410 NORTH HAYWORTH AVE.
WEST HOLLYWOOD, CA 90046

EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/763,426	BAUERLY, SHELLY LENNA	
	Examiner	Art Unit	
	Tan Le	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10/31/05 is/are pending in the application.
- 4a) Of the above claim(s) 5-9, 19, 20, 29-32, 35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-18 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/08/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the second office action for Application No. 10/763,426. This action is responsive to Applicant's reply filed on 10/31/05. This application contains claims numbered 1-32, 35-36. Claims 33-34 have been canceled. Claims 5-9, 19-20, 29-32 and 35-36 have been withdrawn as being non-elected species.

Election/Restrictions

Applicants' election with traverse of Group I, the species of Figures 1-4, 10 and 12-13 in the reply filed on 10/31/05 is acknowledged. Accordingly, claims 5-9, 19-20, 29-32 and 35-36 are not readable on the elected Group and therefore are withdrawn from consideration. Applicants' traversal is on the ground that that the search and examination of such claims (appears to mention all claims (claims 1-32 and 35-36) relates to the same class, and that examination can be completed without undue burden on the examiner, even though the claims may relate to independent or distinct invention" (page 8 of the Remarks)". This is not found persuasive because applicant has failed to show why the instant claims of Group I and Group II are not patentably distinct and the reason why there is not a serious burden involves in the field of a search between two Groups of two separate status claims locate in two separate classes of classifications. It should be noted the determination of whether or not there is a serious burden involves in searches relate with questions of (1) Separate status in the art, (2) Different classification, (3) Divergent fields of searches, (4) Search required for one group not required for the other as set forth under Section 803. Nevertheless, one must

take into account the burden of having to consider and examine all separate issues of the apparatus claims and the method claims that are shown in two separate statuses in the art locate in two different classifications and the search requires for Group I may not require for Group II and the search requires the species I may not require for the species II, etc. The requirement is still deemed proper and is therefore made FINAL.

The preliminary amendment filed on 3/08/04, which includes amendment to specification and newly added claims 35-36 to the application, which has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/08/04 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 22 is rejected because there is inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. Applicant is required to clarify what the claim is

Art Unit: 3632

intended to be drawn to i.e, either a purse hanger alone (subcombination) (see the preamble) or the combination of the purse hanger and the horizontal surface (line 3) and the language of the claim be consistent with the intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to a combination.

Claim Objections

Claims 2-3 are objected to because it is improper to use a dependent claim to expand the scope of the claim from subcombination to combination. The positive inclusion of "said plat surface" (claim 2) and a purse with a purse strap structure (claim 3) raises the question of whether the combination or subcombination is being claimed. As noted above, the language of the claim must be made consistent with the applicant's intent (see the preamble).

Claims 18 and 27-28 are also objected to because the claims merely claim the underlying or stating function without reciting a corresponding function the means is performing. Since no function is specified by the word(s) "pivot" (claim 18) and "lengthening" (claim 27) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). Failure to properly recite a function for the "pivot means" and "lengthening means" in accordance with the sixth paragraph of Section 112 will result in the element being read merely as a "pivot" or "lengthening" respectively.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "spring member" as claimed in claims 21 and 26) must be shown or the feature canceled from the claims. No new matter should be entered. Note that the specification (page 14) describes the spring, but provides no reference number and does not show on Figures 1-4, 10 and 12-13 as elected. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 13-18 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-113275 to Omura.

Claims 1 reads on JP 10-113275 as follows: Omura teaches a handbag hanger (see Fig. 1) comprising a rigid interface member defining a planar interface area (1, 4); a rigid arm (3) with proximal end coupled to the rigid interface member and a vertical distal end; a flexible member (6) with a first end coupled to the distal end of the rigid arm, and a second end coupled to a purse engagement member (8).

As to claim 2, wherein the planar interface area is substantially co-planar with said flat surface, and wherein said distal end of said rigid arm is substantially oriented vertically beneath said planar interface area.

As to claim 3, although claim 3 is improper as noted, the limitations as claimed 3 also met by Omura. Omura discloses a handbag or purse with a purse strap (no numeral)

As to claim 4, wherein the rigid arm is swivelably coupled (5) with the rigid interface member.

As to claim 13, wherein the first end of the flexible member (6) is coupled to the distal end of the rigid arm by a swivel joint (7).

As to claim 14, the second end of the flexible member is coupled to the purse engagement member by a swivel joint (at 9).

As to claims 15-16, wherein the purse engagement member is a rigid loop, which is a single continuous loop.

As to claims 17-18, the rigid loop is a formed from a movable loop member (8) movably engaged to a primary loop member (the remained loop) wherein, when the movable loop member is in a first position, the rigid loop is a closed loop, and when the movable loop member is in a second position, the rigid loop is an open loop; and wherein the movable loop member is movably engaged to the primary loop member through a pivot (no numeral)

Claims 22- 25 recited limitations similar to those recited in claims 1 and 15-18 are therefore also met by Omura. Note that claim 23 recites the flexible member as being at least one inch long, which also appears to read on Omura.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 10-11, 13-18 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB Patent No. 2,253,998 to Lurie et al. in view of Omura.

As to claim 1, Lurie et al teaches a handbag hanger (Figs. 1-4) comprising a rigid interface member defining a planar interface area (12); a rigid arm (14) with proximal end coupled to the rigid interface member and a distal end disposed vertically beneath the planar interface area.

Lurie et al, however, does not teach a flexible member with a first end coupled to the distal end of the rigid arm, and a second end coupled to a purse engagement member. Lurie et al. teaches the straps of the purse (11) hanging directly to the rigid arm without the flexible member.

Omura teaches a hanger/suspended tool for hanging a handbag where the handbag is attached to the suspended tool via a flexible member (6) so as to reduce the impact on the body by which the load collides. The first end of flexible member (6) is coupled to the distal end of the rigid arm (3), and a second end is coupled to a purse engagement member (loop 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a flexible member swively hanging on one end of the rigid arm of Lurie et al as in Omura so as to reduce the impact and to allow the rigid interface member to be stored in the purse while the purse engagement member remains secured to the purse strap.

As to claim 2, Lurie et al. as modified also teaches the planar interface area is substantially co-planar with said flat surface, and wherein said distal end of said rigid arm is substantially oriented vertically beneath said planar interface area.

As to claim 3, Lurie et al as modified also teaches a purse with a purse strap.

As to claim 4, Lurie et al. as modified also teaches the rigid arm is swivelably coupled (5) with the rigid interface member.

Continuing to claim 10, Lurie et al as modified also teaches the rigid arm comprising a horizontal extension (13) (Fig. 2), which is parallel with the planar interface area.

Continuing to claim 11, Lurie et al as modified further teaches the rigid arm having a vertical extension (20, 14) that is substantially perpendicular to said horizontal extension.

Regarding claim 13, Lurie et al as modified also teaches first end of the flexible member (6) is coupled to the distal end of the rigid arm by a swivel joint (see Fig. 4-5).

Regarding claim 14, Lurie et al as modified also teaches the second end of the flexible member being coupled to the purse engagement member by a swivel joint (at 9).

Regarding claims 15-16, the purse engagement member is a rigid loop, which is a single continuous loop.

As to claims 17-18, the rigid loop is a formed from a movable loop member (8) movably engaged to a primary loop member (the remained loop) wherein, when the movable loop member is in a first position, the rigid loop is a closed loop, and when the movable loop member is in a second position, the rigid loop is an open loop; and wherein the movable loop member is movably engaged to the primary loop member through a pivot (no numeral)

Claims 22- 25 recited limitations similar to those recited in claims 1 and 15-18 are therefore also taught by Lurie et al. in view of Omura. Note that claim 23 recites the flexible member as being at least one inch long, which also appears to read on Omura.

Claims 12 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie et al. in view of Omura and further in view of US Pub. No.2004/0195484 to Sheeran.

Lurie et al. in view of Omura teaches substantially as claimed except for the vertical extension having a lengthening means for altering a length of the vertical extension wherein the lengthening means comprises a turnbuckle.

Sheeran teaches a vertical extension of the rigid arm having a lengthening means for altering a length of the vertical extension (Fig. 6c, for example) wherein the lengthening means is in the alternative form of a turnbuckle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a lengthening means on the vertical extension of the rigid arm of Lurie et al. in view of Omura as in Sheeran's 484 so as to provide the arm that can be rotated, disconnect, adjusted or extended in length so that can be allowed the hanger to be positioned on a wider variety of surfaces having varying degrees of thickness. Nonetheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vertical extension

Art Unit: 3632

adjustable since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura in view of US Patent No. 6,557,329 to Schmidt.

Omura teaches substantially as claimed as discussed above except for the snap hook having an internal spring member, which is engaged with the primary loop member and with the movable loop member to urge the movable loop member to a closed position.

Schmidt teaches a snap hook (Fig. 3) with an internal spring member (16) which is engaged with the primary loop member and with the movable loop member to urge the movable loop member to a closed position.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a quick release snap hook with an internal spring member as in Schmidt so as to urge the movable loop member to a closed position for securely holding the purse strap inside the loop.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,094,417 to Creed

6,694,574 to Sheng

US 2003/0150889 to Caroselli et al.

US 2005/016,1570 to Bauerly

The above patents disclose various types of purse or handbag hangers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tan Le', with a large, stylized loop at the beginning.

Tan Le
Patent examiner
December 19, 2005.